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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JAMES YOST

Plaintiff,

vs.

PORTFOLIO RECOVERY ASSOCIATES,  
LLC,

Defendant.

Case No.: 3:11-cv-00129

**VERIFIED AMENDED COMPLAINT  
AND DEMAND FOR JURY TRIAL**

**(Unlawful Debt Collection Practices)**

**AMENDED COMPLAINT**

COMES NOW the Plaintiff, JAMES YOST (“Plaintiff”), by and through his attorneys, KROHN & MOSS, LTD., and for Plaintiff’s Amended Complaint against Defendant, PORTFOLIO RECOVERY ASSOCIATES, LLC, alleges and affirmatively states as follows:

**INTRODUCTION**

1. Count I of Plaintiff’s Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA). The Amended Complaint solely corrects the misnomer of Defendant from Portfolio Recovery Associates, Inc. to Portfolio Recovery Associates, LLC.

**JURISDICTION AND VENUE**

2. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before “any appropriate United States District Court without regard to the amount in controversy”.

3. Because Defendant conducts business in the state of Nevada, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. 1391(b)(1) and 1391(b)(2).

#### **PARTIES**

5. Plaintiff is a natural person who resides in the City of Reno, Washoe County, Nevada and is obligated or allegedly obligated to pay a debt and is a "consumer" as that term is defined by 15 U.S.C. 1692a(3).

6. Plaintiff is informed and believes, and thereon alleges, that Defendant is a business with an office in the city of Norfolk, Virginia.

7. Plaintiff is informed and believes, and thereon alleges, that Defendant uses instrumentalities of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by 15 U.S.C. § 1692a(6).

#### **FACTUAL ALLEGATIONS**

8. Defendant constantly and continuously placed collection calls to Plaintiff seeking and demanding payment for an alleged consumer debt owed from the 1990s.

9. Defendant calls Plaintiff from 757-961-3547.

10. Defendant calls Plaintiff before 8AM and after 9PM, up to two times per day, every day for past two years, and calls Plaintiff on weekends.

#### **DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT,**

#### **(FDCPA), 15 U.S.C. § 1692 et seq.**

13. Plaintiff repeats, re-alleges and incorporates by reference all of the foregoing paragraphs.

14. Defendant violated the FDCPA. Defendant's violations include, but are not limited to the following:

- a) Defendant violated §1692c(a)(1) of the FDCPA by contacting Plaintiff at a time and place known to be inconvenient.

b) Defendant violated §1692d of the FDCPA by engaging in conduct of which the natural consequence is the abuse and harassment of the Plaintiff.

c) Defendant violated §1692d(5) of the FDCPA by causing the telephone to ring and engaging Plaintiff in telephone conversations repeatedly.

**WHEREFORE**, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

15. Statutory damages pursuant to the Federal Act, 15 U.S.C. 1692k.
16. Costs and reasonable attorney's fees pursuant to the FDCPA, 15 U.S.C. 1692k.
17. Any other relief that this court deems to be just and proper.

Dated this 17 day of February, 2011.

By: /s/ Jonathan Goldsmith

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Attorneys for Plaintiff

**DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff, JAMES YOST, hereby demands trial by jury in this action.

**VERIFICATION OF COMPLAINT AND CERTIFICATION**

STATE OF NEVADA)

Plaintiff, JAMES YOST, says as follows:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.

Pursuant to 28 U.S.C. § 1746(2), I, JAMES YOSTS, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Dated: Feb. 3, 2011

  
\_\_\_\_\_  
JAMES YOSTS,  
Plaintiff

KROHN & MOSS, LTD.

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Las Vegas, Nevada 89104

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**CERTIFICATE OF SERVICE**

I, Shireen Hormozdi on behalf of Jonathan Goldsmith, hereby certify that a copy of the foregoing  
**1) Plaintiff's Amended Complaint** was sent via U.S. Mail and email to:

Steven R. Zahn, Esq.  
Litigation Counsel-Office of General Counsel  
Portfolio Recovery Associates  
140 Corporate Boulevard  
Norfolk, VA 23510  
Tel: 757-321-2512  
Fax: 757-321-2518  
[szahn@portfoliorecovery.com](mailto:szahn@portfoliorecovery.com)

and

PORTFOLIO RECOVERY ASSOCIATES, INC.  
120 Corporate Blvd., Suite 1  
Norfolk, VA 23502

Dated: March 29, 2011      /s/ Shireen Hormozdi  
Shireen Hormozdi

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